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09/997,132	11/29/2001	Naoto Ohashi	SHC0159	5337

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EXAMINER

REICHLE, KARIN M

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 08/20/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/997,132

Applicant(s)

OHASHI ET AL.

Examiner

Karin M. Reichle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 12 June 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Specification

1. The 6-12-03 response does not comply with 37 CFR 1.121 because it does not show all the changes made to the specification since the preliminary amendment. The requirement has been waived with regard to the substitute specification and abstract. The Examiner has made the necessary red ink changes to the claims to bring them into compliance. A further response, if any, must be in compliance with 37 CFR 1.121 in that all the changes to the application as of 6-12-03 must be set forth.
2. The substitute specification filed 6-12-03 has been entered.

Drawings

3. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 6-12-03 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.
4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the invention as now claimed in

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claims 1-11, see new matter rejection infra, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Description

5. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: the spacing within line 20 on page 1, as well as that on page 3, lines 10 and 21, page 4, line 14, page 8, lines 2 and 6, page 9, lines 9 and 14, page 10, line 12; the spacing between the lines on page 5, line 19-page 7, line 6, page 2, lines 7 and 20, page 3, line 3, page 6, lines 1 and 15.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Contrary to Applicant's remarks on page 5, lines 8-14 of the 6-12-03 response, the drawings as originally filed do not show a single zone which is substantially coextensive with the length of the core as now claimed in Claim 1, last section. The drawings only show a zone coextensive with the width. Nor does page 8, lines 3-6 as originally filed provide support for the invention now claimed in claims 10-11. If Applicant traverses this rejection the specific portion of the originally filed specification relied upon, i.e. page no., line no., etc. should be set forth.

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenfeld et al '016 in view of Pieniak et al. '442.

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In regard to claims 1-3, 5, and 7-8: see Figures 4-5 and 7-8, col. 1, lines 19-21 and 26-29, col. 2, lines 6-24, col. 2, line 57- col. 3, line 47, col. 5, lines 22-29 and 35-57, col. 6, lines 31-39, col. 6, line 58-col. 7, line 17, col. 7, line 55-col. 8, line 3, col. 8, lines 13-19, col. 9, lines 16-32, and 40-63, col. 10, lines 33-50 and col. 11, lines 49-53, e.g. in Figure 7, the topsheet is 72, the backsheet is 74, the core is 1, the groove is 50, the groove bottom is 56, the groove walls are 54, the fibers are 14, the particles are 16, the single zone is 8, 64, or 66 depending upon the Figure consulted, which zone can extend across an entire surface, i.e. length and width, of the core. It is noted that claim 1 requires a higher concentration of particles within "a vicinity" of the at least one groove. This terminology has not been given a specific definition by Applicant so the usual or dictionary definition applies. The American Heritage Dictionary defines "vicinity" as "The state of being near in space or relationship, proximity." In other words the term is relative. Thus, as, for example, shown in the Figures, a higher concentration of particles is shown around the grooves 50, see Figures cited supra. Thus the Rosenfeld et al device is deemed to teach a higher concentration in "a vicinity" of the groove as claimed. It should be noted that since Rosenfeld et al also teaches that the zone including the bottom of the groove can be formed with a homogenous mixture of fibers and particles or a gradient, if an area of such zone is densified to form the channels 50, the area below such channels will have a higher density or concentration of particles and fibers per unit dimension than the uncompressed areas of such zones. It is also noted with regard to the claims 1-3, that the claims do not require direct joining between the

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portions of the groove and the diffusive sheet and the diffusive sheet and the topsheet. Applicant did not provide a specific definition of the term "joining" so the usual or dictionary definition applies, i.e. could be direct or indirect attachment. Therefore, the Rosenfeld et al device includes all the claimed structure except for teaching an absorbent and diffusive sheet covering the core and thereby its joining to the polymer particles and topsheet along the grooves although it does teach the core can include a layer of tissue. However, see Pieniak et al, col. 10, lines 34-44, i.e. it is well known to wrap core in tissue to prevent dusting of particles and tissue can thereby be joined to grooves of core, i.e. particles, and top sheet to enhance fit and aesthetics. To employ the tissue to wrap the core and join it to the grooves of the core as taught by Pieniak et al on the Rosenfeld device would be obvious to one of ordinary skill in the art in view of the recognition that it is well known to wrap the core with tissue to prevent dusting of particles and joining to the grooves of the core and topsheet would enhance the fit and aesthetics and the desire of such features in any absorbent article. It is also noted that such would necessarily improve the integrity of the core and col. 1, lines 19-21 and 26-29 of Rosenfeld.

Claim 4, see col. 2, lines 57-63, col. 3, lines 32-37 and Figures cited supra.

Claim 6: See Figures cited supra and col. 3, lines 12-30.

Claim 9: see Figures cited supra and col. 7, line 55-col. 8, line 6, col. 8, lines 13-19.

10. Claims 1 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenfeld '884 in view of Pieniak.

In regard to claim 1: see Figures 2 and 4-5, page 1, lines 17-18 and 21-23, page 2, lines 49-51 and paragraphs 12-14, 17, 21, 24, 26, 30 and 33, e.g. in Figure 4, the topsheet is 33, the backsheet is 34, the core is 1, the groove is 12, the groove bottom is 14, the groove walls are 13, the fibers are 7, the particles are 8, the single zone is 22 and 6, which zone can extend across an entire surface, i.e. length and width, of the core. It is noted that claim 1 requires a higher concentration of particles within "a vicinity" of the at least one groove. This terminology has not been given a specific definition by Applicant so the usual or dictionary definition applies. The American Heritage Dictionary defines "vicinity" as "The state of being near in space or relationship, proximity." In other words the term is relative. Thus, as, for example, shown in the Figures, a higher concentration of particles is shown around the grooves 12, see Figures cited supra. Thus the Rosenfeld et al device is deemed to teach a higher concentration in "a vicinity" of the groove as claimed. It should be noted that since Rosenfeld et al also teaches that the zone including the bottom of the groove can be formed with a homogenous mixture of fibers and particles or a gradient, if an area of such zone is densified to form the channels 12, the area below such channels will have a higher density or concentration of particles and fibers per unit dimension than the uncompressed areas of such zones. Therefore, the Rosenfeld et al device includes all the claimed structure except for teaching an absorbent and diffusive sheet covering the core although it does teach the core can include a layer of nonwoven. However, see Pieniak et al, col. 10, lines 34-44, i.e. it is well known to wrap core in tissue, i.e. a nonwoven, to prevent dusting of particles and tissue can thereby be joined to grooves of core, i.e. particles, and top sheet to enhance fit and aesthetics. To employ the tissue to wrap the core and join it to the grooves of the core as taught by Pieniak et al on the Rosenfeld device would be obvious to one

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of ordinary skill in the art in view of the recognition that it is well known to wrap the core with tissue to prevent dusting of particles and joining to the grooves of the core and topsheet would enhance the fit and aesthetics and the desire of such features in any absorbent article. It is also noted that such would necessarily improve the integrity of the core and col. 1, lines 19-21 and 26-29 of Rosenfeld.

Claims 10-11: page 5, lines 1-5 of Rosenfeld, and thereby Goldman '646 at col. 23, lines 13-18, col. 26, lines 53-62, col. 27, lines 15-30 and 39-41, the paragraph bridging cols. 27-28 and 29-30, col. 29, lines 24-27, claims 28, 32-34 and 42-45.

Response to Arguments

11. Applicant's remarks on pages 4-8 with regard to the informal matters have been noted but are either deemed moot in that the issue discussed has not been reraised or is deemed nonpersuasive for the reasons set forth supra. Applicant's remarks on pages 8-10 with regard to the prior art have been considered. Such remarks are found to be confusing because it is unclear how the remarks relate to the two different art rejections. As best understood, the arguments with respect to the 102 rejection are deemed moot in that such have not been reraised. With regard to the 103 rejection, as best understood, the remarks have been considered but are deemed nonpersuasive in that such are not supported by the originally filed specification, see new matter rejection supra, and are narrower than the teachings of the art, see art rejection supra, and the claim language, e.g., the function of gel blocking and support is not claimed. In any case see the

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portions of col. 1 of Rosenfeld cited above, i.e. addition of superabsorbent to an absorbent structure prevents collapse of absorbent structures when wetted, i.e. provides support.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Ng reference, which incorporates Lauritzen, shows a grooved article with a core with thermoplastic fibers of the claimed melting temperatures.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any new grounds of rejection were necessitated by Applicant's amendments to claim 1, last section and the addition of claims 10-11.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. M. Reichle whose telephone number is 703-308-2617. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached on (703) 308-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

KMR

August 12, 2003

K M, Reichle
K M, Reichle
K M, Reichle